

having legitimate communications requirements simply because of the FCC's unfounded fears of speculation. Metropolitan is unaware of any evidence of speculation or any history of speculation by single-user licensees in the private microwave bands. Accordingly, the Commission has no basis on which to conclude that this is a realistic possibility.

**F. Metropolitan Supports the Commission's Efforts to Make Spectrum from the Federal Government 2 GHz Band Available to Displaced Incumbent POFS Licensees**

23. Metropolitan agrees with the Commission that spectrum in the 1710-1850 MHz and 2220-2290 MHz federal government bands provides the long range propagation characteristics necessary to accommodate POFS links which cannot adequately be replaced by alternative media or higher-range microwave spectrum. Metropolitan is pleased that tentative discussions have taken place between the Commission and the National Telecommunications and Information Administration (NTIA) to assist in evaluating the feasibility of reaccommodation of displaced users in the federal government 2 GHz band.<sup>7/</sup> Nonetheless, NTIA clearly has expressed reservations concerning use of the federal

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<sup>7/</sup> Order, ¶ 36.

2 GHz bands to accommodate displaced POFS licensees.<sup>8/</sup>

Metropolitan is therefore concerned that, while legitimately seeking to protect federal government 2 GHz operations, NTIA may inadvertently erect barriers which will preclude POFS licensees from access to otherwise unused government spectrum.

24. Metropolitan notes that, in recent appropriation legislation for NTIA, Congress stipulated that NTIA must adopt procedures by which unused federal government spectrum could be accessed by private users.<sup>9/</sup> Moreover, the legislation requires that NTIA develop a procedure that permits private parties to make applications for access to government spectrum including a public review mechanism by which NTIA would expeditiously grant or deny such applications. Metropolitan urges the Commission to continue as well as to expand its efforts with NTIA to aggressively and promptly implement the congressionally-mandated

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<sup>8/</sup> See: "Federal Spectrum Usage of the 1710-1850 MHz and 2200-2290 MHz NTIA Report 92-285, (March 1992). See also: Letter of May 4, 1992, from Thomas J. Sugrue, Acting Assistant Secretary for Communications and Information, U.S. Dept. of Commerce, to Alfred C. Sikes, FCC Chairman.

<sup>9/</sup> Telecommunications Authorization Act of 1992, Pub. L. No. 102-538, 106 Stat. 3533 (1992).

application procedures to facilitate access to government spectrum by displaced POFS licensees.

**G. The Commission Must Ensure that the Operation of Emerging Technology Systems Does Not Create Objectionable Interference to Incumbent POFS Licensees**

25. The Commission has noted that the new technologies which ultimately may be accommodated in the reallocated 2 GHz spectrum have not fully been identified. The Commission has further asserted that no present need exists to identify specific services which will be authorized to operate in the spectrum being reallocated prior to making the general reallocation. The Commission has also observed that while POFS/PCS interference criteria are currently being developed in the Docket No. 90-314 proceeding, interference criteria for future sharing between incumbents and developing technologies should not be developed until technical configurations of new technologies may be further determined.<sup>10/</sup>

26. Metropolitan is concerned that the Commission's position will enhance the possibility of future objectionable interference to existing POFS operations.

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<sup>10/</sup> Notice, ¶ 29.

While Metropolitan understands that it is difficult to accurately project those specific new technologies which will be located in a particular spectrum range, Metropolitan urges the Commission to take steps to fully apprise existing licensees as far in advance as possible of any plan to locate a particular new technology or service in a specific spectrum location. Through an early notice policy, incumbent licensees will be better positioned to plan and work with emerging technology proponents to forestall interference problems which may otherwise develop.

27. Further, Metropolitan urges the Commission to establish a minimum interference threshold criteria for all "new services" regardless of their technical configuration. Metropolitan and others urge that the TIA Bulletin 10-E standard be used as a minimum interference threshold for shared POFS/new technology use of 2 GHz spectrum. Metropolitan asserts that the TIA Bulletin 10-E standard must become the benchmark minimum acceptable interference threshold. This approach will ensure that the adequacy of critical POFS communications services is maintained regardless of the technical configuration of any new services authorized to operate in the "emerging technology" spectrum reserve. The Commission must also establish a policy by which new technology proponents, regardless of the

configuration of their systems, are required to maintain compliance with the 10-E minimum interference threshold to any potential "victim" microwave receivers within a proposed service area. POFS operators may then be assured that, irrespective of who their spectrum neighbors may be or how those neighbors may configure telecommunications systems of the future, critical POFS operations may reasonably be interference-free until such time as final migration to other frequencies or alternative technologies may be made.

### III. CONCLUSION

28. The Commission has made several proposals in this proceeding which will help to ensure a careful transition when POFS licensees are forced to move from the 2 GHz band. With full involvement of POFS licensees in the procurement and implementation of replacement facilities, and full compensation for the cost of replacement facilities, the transition should be relatively smooth. A five year period for voluntary negotiation should be enacted to allow parties to work out transition issues. The Commission should press for access by displaced POFS users to Government spectrum in the 2 GHz range. Finally, Bulletin 10-E Standards must be employed as a minimum criteria to protect existing 2 GHz Private Operational-Fixed Microwave Systems.

**WHEREFORE**, the premises considered, Metropolitan Water District of Southern California respectfully requests that the Federal Communications Commission act in accordance with the recommendations contained herein.

Respectfully submitted,

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Dated: January 13, 1993

**CERTIFICATE OF SERVICE**

I, Terri Thomas, a secretary in the law firm of Keller and Heckman, do hereby certify that a copy of the foregoing Reply Comments of The Metropolitan Water District of Southern California has been served this 13th day of January, 1993 by hand delivery to the following:

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Federal Communications Commission  
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Washington, D.C. 20554

The Honorable James H. Quello  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 802  
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The Honorable Sherrie P. Marshall  
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The Honorable Andrew C. Barrett  
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